

 <p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p style="text-align: center;">Policy and Procedure</p>	POLICY AND PROCEDURE NUMBER 01.02.020	PAGE 1 of 8
	EFFECTIVE DATE July 11, 2008	
SUBJECT Non Discrimination In Transportation		SUPERSEDES 20-5002
DATED March 1, 1982		
CHAPTER Office of the Commissioner	SECTION External Civil Rights	APPROVED BY Signature on File

PURPOSE

This formalizes the policy and procedure (P&P) of the department on effectuating the provisions of Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 to the end that no person in the United States shall, on the grounds of race, religion, color, gender, age, marital status, ability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the United States Department of Transportation (US DOT) agencies, including but not limited to the Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Federal Highway Administration (FHWA) and Federal Motor Carriers Safety Administration (FMCSA). No agency, or its contractors and sub contractors may discriminate in their employment practices in connection with highway or multi-modal facility construction projects or other projects assisted by USDOT. This policy and procedure also applies to all state funded transportation activities.

POLICY

No person in the State of Alaska shall, on the grounds of race, religion, color, gender, age, marital status, ability, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

PROCEDURE

- I. **Airports - DOT&PF operated and contracted primary and general aviation airport managers**
 - A. Tenants, contractors, and concessionaires - Each airport manager will require each tenant, contractor, and concessionaire who provides any activity, service, or facility at the airport under lease, contract with, or franchise from the airport, to covenant in a form specified by the FAA, that they will comply with the nondiscrimination requirements of 49 CFR Part 21.

- B. Notification of beneficiaries - The airport manager will:
1. Make a copy of 49 CFR Part 21 available at airport manager's office for public inspection during normal working hours.
 2. Conspicuously display a sign, or signs, furnished by the FAA, in the main public area or areas of the airport, stating that discrimination based on race, religion, color, gender, age, marital status, ability, or national origin is prohibited on the airport.
- C. Reports - Each airport manager will, within 15 days after they receive it, forward to the area manager of the FAA area in which the airport is located a copy of each written complaint charging discrimination because of race, religion, color, gender, age, marital status, ability, or national origin by any person subject to this part, together with a statement describing all actions taken to resolve the matter, and the results thereof. A copy will also be forward to the DOT&PF Statewide Civil Rights Office. Each airport manager will submit to the area manager of the FAA area in which the airport is located a report for the preceding year on the date and in a form prescribed by the Federal Aviation Administrator.
- D. Annual Concessionaire Report - The manager of each primary airport will submit to the department civil rights office a report of Airport Concessionaire Disadvantaged Business Enterprise (ACDBE) participation at the airport on or before February 1 of each year on the uniform report of ACDBE participation. A primary airport is one that has 10,000 enplanements or more in a year. The Uniform Report of ACDBE participation may be downloaded from the Statewide Civil Rights Office web page.
- II. **Highways and Alaska Marine Highway System (AMHS)** – DOT&PF planning, environmental, contracts, design, right-of-way, construction and maintenance managers; AMHS operations, design and construction managers; Alaska Metropolitan Planning Organizations (MPO) officials; sub recipients of funds from DOT&PF
- The department will not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way. Neither the department, nor its contractors and subcontractors may discriminate in their employment practices in connection with highway construction projects or other projects funded by US DOT agencies.
- A. Highway and AMHS Planning, Environmental & Design - Planning and Preconstruction staff will ensure:

1. The department does not discriminate against the traveling public and business users of highway, multi-modal facility or ferries in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.
 2. The department does not locate or design a highway, multi-modal facility or ferry terminal in such a manner as to require, on the basis of race, religion, color, gender, age, marital status, ability, or national origin, the relocation of any persons.
 3. The department does not locate, design, or construct a highway, multi-modal facility or ferry in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis race, religion, color, gender, age, marital status, ability, or national origin.
- B. Highway and AMHS Contracts – All contracting officers will ensure that contractors do not discriminate in their selection and their retention of first-tier sub contractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in highway or ferry construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.
- C. Highway Right-of-Way - All department right of way agents will ensure:
1. Discrimination does not occur against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.
 2. Contractors do not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in acquisition of right-of-way and related projects, including those who lease property.
- D. Highway and AMHS Construction – All construction managers will ensure:
1. Contractors do not discriminate in their retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of lower-tier subcontractors, who participate in highway or multi-modal facility construction, including those who supply materials and lease equipment.

2. The department does not construct a highway in a manner that denies reasonable access to, and use thereof, to any persons on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
- E. Highway Maintenance – All maintenance staff will ensure the department does not discriminate against the traveling public and business users of highways in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.
- F. AMHS Operations staff will ensure:
1. Any person who is, or seeks to be, a patron of any public vehicle or vessel which is operated as a part of, or in conjunction with, a project will be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, religion, color, gender, age, marital status, ability, or national origin.
 2. No person who is, or seeks to be, an employee of AMHS or lessees, concessionaires, contractors, licensees, or any Alaska organization furnishing public transportation service as a part of, or in conjunction with, the project will be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
 3. No person or group of persons will be discriminated against with regard to the routing, scheduling, or quality of service of transportation service on the basis of race, religion, color, gender, age, marital status, ability, or national origin. Frequency of service, age and quality of vehicles or vessels assigned to routes, quality of stations or terminals serving different routes, and location of routes may not be determined on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
 4. The location of ferry projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
- G. Highway and AMHS Design and construction managers will ensure:
1. The AMHS does not discriminate against the traveling public and business users of the ferries in their access to and use of the facilities and services

provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed with public funds.

2. The department does not locate or design a ferry or terminal in such a manner as to require, on the basis of race, religion, color, gender, age, marital status, ability, or national origin, the relocation of any persons.
3. The department does not locate, design, or construct a ferry or terminal in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
4. Contractors do not discriminate in their retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in ferry construction and related projects, including those who supply materials and lease equipment.
5. The department does not construct a ferry in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, religion, color, gender, age, marital status, ability, or national origin.

III. Alaska Metropolitan Planning Organizations (AMPO) officials will ensure:

- A. The AMPO may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.
- B. The AMPO may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.
- C. Contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of lower-tier subcontractors, who participate in highway or multi-modal facility construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.
- D. The AMPO may not discriminate against the traveling public and business users of the highway or multi-modal facility in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.

- E. Neither the AMPO, any other persons subject to this part, nor its contractors and subcontractors may discriminate in their employment practices in connection with highway or multi-modal facility construction projects or other projects assisted by the FHWA.
- F. The AMPO will not locate or design a highway or multi-modal facility in such a manner as to require, on the basis of race, religion, color, gender, age, marital status, ability, or national origin, the relocation of any persons.
- G. The AMPO will not locate, design, or construct a highway or multi-modal facility in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, religion, color, gender, age, marital status, ability, or national origin.

IV. Sub recipients of funds from DOT&PF:

- A. Sub recipients may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.
- B. Sub recipients may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.
- C. Contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in highway or multi-modal facility construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.
- D. Sub recipients may not discriminate against the traveling public and business users of the highway or multi-modal facility in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.
- E. Neither sub recipients, any other persons subject to this part, or its contractors and subcontractors may discriminate in their employment practices in connection with highway or multi-modal facility construction projects or other projects assisted by the FHWA.

- F. Sub recipients will not locate or design a highway or multi-modal facility in such a manner as to require, on the basis of race, religion, color, gender, age, marital status, ability, or national origin, the relocation of any persons.
 - G. Sub recipients will not locate, design, or construct a highway or multi-modal facility in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
- V. **Transit operators and ferry authorities – Sub recipients of FTA grant and other funds from DOT&PF will ensure:**
- A. Any person who is, or seeks to be, a patron of any public vehicle or vessel which is operated as a part of, or in conjunction with, a project will be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, religion, color, gender, age, marital status, ability, or national origin.
 - B. No person who is, or seeks to be, an employee of the transit operator, ferry service/authority or lessees, concessionaires, contractors, licensees, or any Alaska organization furnishing public transportation service as a part of, or in conjunction with, the project will be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
 - C. No person or group of persons will be discriminated against with regard to the routing, scheduling, or quality of service of transportation service on the basis of race, religion, color, gender, age, marital status, ability, or national origin. Frequency of service, age and quality of vehicles or vessels assigned to routes, quality of stations or terminals serving different routes, and location of routes may not be determined on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
 - D. The location of transit or ferry projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, religion, color, gender, age, marital status, ability, or national origin.
- VI. **Motor Carriers - Division of Measurement Standards and Commercial Vehicle Enforcement (DMSCVE)**

- A. The DMSCVE may not discriminate in its administration of programs required by the FMCSA by using race, religion, color, gender, age, marital status, ability, or national origin as screening criteria.
- B. The DMSCVE may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, highway safety and related enforcement activities.
- C. Contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors.
- D. The DMSCVE may not discriminate against the traveling public and business users of the highways in their access to and use of the facilities and services provided for public accommodations.

AUTHORITY

The Civil Rights Act of 1964, Sec. 602, 42 USC 2000d – 1; 49 CFR Part 21; The Civil Rights Restoration Act of 1987; 23 CFR Part 200; 23 USC 324; Title VI of the Civil Rights Act of 1964; DOT Order 1050.2; Executive Order 12898

IMPLEMENTATION RESPONSIBILITY

All department staff, MPOs, and sub-recipients of DOT&PF .

DISTRIBUTION

All department employees via the DOT&PF website